

These are truly troubling days for liberty in the United States.

Last week the 60 day deadline for the president to gain congressional approval for our military engagement in Libya under the War Powers Resolution came and went. The media scarcely noticed. The bombings continued. We had a hearing on Capitol Hill on the subject, but the administration refuses to bother with the legality of its new war. It is unclear if Mr. Obama will ever obtain congressional consent, and astonishingly it is being argued that he doesn't need it.

Article 1 Section 8 of the Constitution begs to differ. It clearly states that the power to declare war rests within the legislative branch - the branch closest to the people. The founders were a war-weary people, and the requirement that it would take an act of Congress to go to war was intentional. They believed war was not to be entered into lightly, so they resisted granting such decision making authority to one person. They objected to absolute warmaking power granted to Kings. It would be incredibly naïve to think a dictator could not or would not wrest power in this country.

Our Presidents can now, on their own: order assassinations, including American citizens; operate secret military tribunals; engage in torture; enforce indefinite imprisonment without due process; order searches and seizures without proper warrants, gutting the 4th Amendment; ignore the 60 day rule for reporting to the Congress the nature of any military operations as required by the War Power Resolution; continue the Patriot Act abuses without oversight; wage war at will; and treat all Americans as suspected terrorists at airports with TSA groping and nude x-rays.

Americans who are not alarmed by all of this are either not paying close attention, or are too trusting of current government officials to be concerned. Those in power right now might be trustworthy, upstanding people. But what of the leaders of the future? They will inherit all the additional powers we cede to the current position holders. Can we trust that they will not take advantage? Today's best intentions create loopholes and opportunities for tomorrow's tyrants.

Perhaps the most troubling power grab of late is the mission creep associated with the 9/11 attacks and the wars in Iraq and Afghanistan. Initiated as targeted strikes against the perpetrators of 9/11, a decade later we are still at war. With whom? Last week Congress passed a Defense Authorization bill with some very disturbing language that explicitly extends the president's war powers to just about anybody. Section 1034 of that bill states that we are at war with the Taliban, al Qaeda, and associated forces. Who are the associated forces? It also includes anyone who has supported hostilities in aid of an organization that substantially supports these associated forces. This authorization is not limited by geography, and it has no sunset provision. It doesn't matter if these associated forces are American citizens. Your constitutional rights no longer apply when the United States is "at war" with you. Would it be so

hard for someone in the government to target a political enemy and connect them to al Qaeda, however tenuously, and have them declared an associated force?

My colleague Congressman Justin Amash spearheaded an effort to have this troubling language removed, but unfortunately it failed by a vote of 234 to 187. It is unfortunate indeed, that so many in Congress accept unlimited warmaking authority in the hands of the executive branch.